

REMARKS

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The Office Action rejected claims under 35 U.S.C. § 102, 103 and 112. Applicants did not cancel, amend or add any claims. Claims 1, 3 and 5-22 are pending. Applicants requests that the Examiner reconsider and withdraw the rejections. A Petition for a one (1) month extension of time accompanies this Amendment as a separate paper.

Claim Rejections – 35 U.S.C. § 112

The Office Action rejected claims 1, 3, 5-11 and 17-20 as containing subject matter that was not sufficiently described in the specification as originally filed so as to convey to one skilled in the art that Applicants had possession of the claimed invention. Applicants assert that the rejection was improper and must be withdrawn.

There is no *in haec verba* requirement between newly added claim features and the specification. MPEP § 2163.01. Rather, newly added claim limitations can find support in the specification through express, implicit, or inherent disclosure. *Id.*

Applicants believe that the specification as originally filed provides express, implicit and inherent support for the previous changes to claims 1 and 17 (airflow traveling “around” the object) and claims 2 and 18 (airflow traveling “along” the object). First, Applicants direct the Examiner to Figure 4 for express support. Figure 4 demonstrates the airflow traveling along/around the ramp 101. The dotted line closest to the tarmac T travels along/around the ramp 101.

Second, Applicants direct the Examiner to paragraph 44 for inherent support. The ramp facilitates “the turning of the airflow near the tarmac T towards the engine 15.” To turn, the airflow would need to travel around and along the ramp.

Finally, Applicants direct the Examiner to paragraph 56 for implicit support. Paragraph 56 describes an alternative embodiment in which the ramp 301 "could be formed (e.g. injection molded) with an internal chamber that receives ballast material such as water." To retain water therein, one skilled in the art would recognize that the injection molded ramp 301 needs solid surfaces (i.e. without holes). These solid surfaces, to retain water within the ramp, would also deflect airflow around/along the ramp. For at least these reasons, Applicants request that the Examiner reconsider and withdraw the rejection.

Claim Rejections – 35 U.S.C. § 102

The Office Action rejected claims 1, 3, 6-9, 11-13 and 15-22 as being anticipated by United States Patent Number 6,162,011 to Gerhardt *et al.* ("Gerhardt"). Applicants assert that the rejection was improper and must be withdrawn. Specifically, Applicants believe that Gerhardt fails to disclose all of the claimed features. A reference can anticipate a claim only the reference discloses each and every claim element. M.P.E.P. § 2131.

All of the independent claims describe the use of the object/suppressor in connection with a gas turbine engine on an aircraft positioned on a tarmac. Gerhardt describes an element for ground-based turbines. In fact, the Office Action acknowledges this point in Paragraph 6 of the Office Action (Gerhardt ... lack[s] the engine being located on a wing of the aircraft"). For at least this reason, the rejection of claims 1, 3, 6-9, 11-13 and 15-22 was improper and must be withdrawn.

Furthermore, with respect to claims 1, 3, 6, 7 and 17, independent claims 1 and 17 also recite that the airflow travels "around" the object. Gerhardt fails to disclose or to suggest such a feature. Gerhardt prevents vortex formation by allowing "an after-flow of air ... to flow into the vortex core 4 of the

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vortex due to the air permeability of the surface 6A of the element 6." (Col. 5, ll. 17-20). In other words, the air flows "through" (col. 4, l. 53) the element, not along the element as recited in the claim. The Office Action tried to clarify how Gerhardt disclosed airflow traveling around the object by directing Applicants to Figure 3. Applicants point out to the Examiner that the "emanating" (col. 5, l. 46) airflow 13 emanates from within the element, and does not travel along the element. Figure 4 clearly shows the path of the emanating airflow 13.

Furthermore, with respect to claims 8, 9 and 11, independent claim 8 also recites that the airflow travels "along" the surface of the object. The term "along" denotes a course "parallel and close to" to an object (*The American Heritage Dictionary of the English Language, Fourth Edition*), as distinguished from a course across, or through, the object (*Webster's Revised Unabridged Dictionary*). See Exhibit A.

Furthermore, with respect to claims 18-20, independent claim 18 also recites that the airflow travels "along" an "inclined" surface. As to the term "along," Applicants reiterate the discussion above (claim 8) regarding the distinction between "along" and "through." In addition, the surfaces identified in the Office Action are not inclined, they are vertical surfaces. The term "inclined" means "to deviate from horizontal or vertical" (*The American Heritage Dictionary of the English Language, Fourth Edition*). See Exhibit B.

Furthermore, with respect to claims 21 and 22, independent claim 21 also recites features that the rejection disregarded and failed to discuss. In its entirety, the rejection in the Office Action stated "[r]egarding claims 18-22, a base 7 faces the tarmac 3, an inclined surface 8, 9 extends in a direction from the tarmac towards the inlet (See Fig. 3) and a portable suppressor prevents formation of the vortex (See Col. 6, lines 6-14)." The rejection clearly disregarded the claim features of an "inclined" surface and a height of the inclined surface "ranging between approximately (2h-D)/8 and (2h-D)/4." As



along

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EXHIBIT A

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a·long **Pronunciation Key** (ə-lŏng', ə-lŏng')
prep.

1. Over the length of: walked along the path.
2. On a line or course parallel and close to;
continuously beside: rowed along the shore; the
trees along the avenue.
3. In accordance with: The committee split along
party lines over the issue.

adv.

1. Forward; onward: We drove along, admiring the
view. Farther along, we passed a hitchhiker.
2. As a companion: Bring your friend along.
3. In accompaniment or association; together:
packed an atlas along with other books. See
Usage Note at together.
4. With one; at hand: Luckily, I had my camera
along. Our guests should be along soon.
5. Informal. Advanced to some degree: getting
along in years.

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See the Top 10 Ask Jeeves results for "inclined"


6 entries found for **inclined**.

in·clined  **P** **Pronunciation Key** (ĭn-kĭl'nd')
adj.

1. Sloping, slanting, or leaning.
2. Having a preference, disposition, or tendency:
lobbied the positively inclined senators to push for the bill's passage.

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in·cline  **P** **Pronunciation Key** (ĭn-kĭl'īn')
v. **in·clined**, **in·clin·ing**, **in·clines**
v. *intr.*

1. To deviate from the horizontal or vertical; slant.
2. To be disposed to a certain preference, opinion, or course of action.
3. To lower or bend the head or body, as in a nod or bow.

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